THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13980 of 2005

Dated: 11.08.2006

Between
Balla Atchayamma

…..Petitioner

and

1. The District Collector (Civil Supplies Wing)
East Godavari , Kakinada
and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13980 of 2005

ORDER:

It appears that the petitioner was a fair price shop dealer holding an authorization for shop No.30 of Vanapalli village, Kothapeta Mandal, East Godavari District. Since, she had not deposited the demand drafts in time for the purpose of lifting the commodities for the shop being run by her, the Mandal Revenue Officer seems to have reported the matter to the Revenue Divisional Officer and recommended for cancellation of authorization of the petitioner. After conducting a due enquiry and giving opportunity, the authorization of the petitioner was cancelled by the Revenue Divisional Officer. Aggrieved by the same, the petitioner filed an appeal before the Joint Collector. The Joint Collector confirmed the order passed by the Revenue Divisional Officer on the basis of the report of the Mandal Revenue Officer. Further, the Revision filed before the District Collector met with the same fate.

In fact, on the basis of a complaint made by the MPTC and the members of the Grama Panchayat, the Mandal Revenue Officer submitted a report stating that the petitioner is not mentally stable, therefore, she is unable to run the shop properly and that Food Grains License and the authorization of the petitioner were renewed upto 31.3.2001 and Kerosene Oil License was renewed up to 31.12.2001 and she has not applied for further renewal.

This all would indicate that the petitioner was mentally unstable. Therefore, she could not continue the business under the fair price shop dealership against shop No.30 of Vanapalli village, Kothapeta Mandal, East Godavari District. Therefore, the impugned order passed by the Revenue Divisional Officer as confirmed by the Joint Collector, further by the District Collector cannot be said to be either illegal or arbitrary.

Now, the learned counsel for the petitioner submits that the petitioner is mentally stable and she can continue the business as she has been cured of the mental illness.

In view of this, the Revenue Divisional Officer, Amalapurm is directed to entertain any application filed by the petitioner for grant of fair price dealership if he satisfies that she is mentally stable and she can run the shop properly.

Subject to the above direction, the writ petition is disposed of . No costs.

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11.08.2006

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